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NARCOTIC DRUGS

Summary of the report of the International Narcotics Control Board for 1992

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I. OVERVIEW

1. In accordance with the Single Convention on Narcotic Drugs of 1961, 1/ the International Narcotics Control Board is required to prepare an annual report on its work and such additional reports as it considers necessary. An analogous obligation is set forth in the Convention on Psychotropic Substances of 1971. The reports must be submitted to the Economic and Social Council through the Commission on Narcotic Drugs. 2/ In each year's annual report, the Board provides a comprehensive survey of the current drug control situation in the world and recommends action that it considers appropriate. 3/

2. The Board notes in its report that the world-wide drug abuse and trafficking situation remained grim in 1992. Drugs have become available for illicit purposes virtually everywhere in the world, bringing with them violence and corruption. Traffickers have become more organized and flexible. They have been quick to take advantage of such legal loopholes as weak import and export controls and to shift their operations to new regions and countries.

3. But drug abuse is closely linked to political, social and economic problems, and progress in this area will definitely contribute to the solution of the drug abuse problem. In this respect, the Board is concerned about the impact on the drug control situation of a number of military, political and economic developments in the world. Situations of political and socio-economic change on the one hand make countries and even whole regions more prone to the dangers of abuse and trafficking and on the other prevent effective control measures. While drug trafficking itself can further undermine political stability. Links appear to exist between illicit cultivation and traffic and the activities of some subversive or terrorist organizations in some countries in South America and South-East Asia. Similar connections have also been reported in other regions of the world.

4. No valid alternative to present policies has been found yet that could reverse the situation as regards drug abuse and trafficking. The Board is convinced that, for national and international policies to obtain more universally visible and decisive results, efforts against drug abuse and trafficking have to be continuous, balanced and concerted.

5. The Board reiterates the importance of countries becoming a party to international drug control treaties and of adequate legislation at the national level, which not only helps national control efforts but also enables countries to participate in concerted regional and world-wide drug control activities. Newly independent countries have often not yet adopted legislation to adequately control the licit manufacture and trade of narcotic drugs and psychotropic substances. The Board hence encourages all Governments whose legislation is not in line with international drug control conventions to consider both model legislations prepared by the United Nations International Drug Control Programme for effective drug control and other model legislation such as that adopted by the Inter-American Drug Abuse Control Commission of the Organization of American States for precursors control and money-laundering.

6. Inadequacies in national legislations and control systems are exploited by traffickers. Diversions of stimulants and sedative hypnotics are thus occurring

widely in Africa and parts of Asia and the Latin America, as well as in Europe and North America, facilitated by inadequate import-export controls in certain countries and by the lower priority given by most law enforcement authorities to trafficking in psychotropics versus trafficking in cocaine and heroin. In order to avoid such diversion from international trade, the Board, in February 1992, disseminated information on legitimate annual requirements for substances in Schedules III and IV of the 1971 Convention and requested authorities of all exporting countries to take these into account before authorizing exports.

Legalization of non-medical use of drugs

7. The Board has examined arguments in favour of legalization and concludes that legalization advocates have not presented a sufficiently comprehensive, coherent or viable alternative to the present system of international drug abuse control.

8. The argument that legalization is justified because law enforcement measures have not had any decisive effects on drug abuse ignores the fact that legal sanctions have helped to deter or delay potential abusers. A second argument - that given the current levels of access to illicit drugs legalization would only have a minimum adverse impact - ignores the potential expansion of demand, especially on the part of young people, that would be generated by the removal of legal barriers and the inevitable drop in market prices to say nothing of the inevitable rise in related economic and social costs. As for the argument that corruption, violence and crime would decline as a result of legalization, even if one were to assume that crime to support personal drug abuse might decline, crime committed under the influence of drugs might increase, as well as chronic violence at family and community levels. The assumption that organized criminal activity and related violence would significantly decrease may underestimate the capacity of organized crime to adjust to changing conditions without significant loss of economic, political or social power.

9. Neither have the advocates of legalization dealt adequately with some of the tough practical questions arising from their proposals such as what drugs to legalize and according to what criteria; what purity level to allow, especially in view of the fact that very potent new cannabis products, for example, have appeared on illicit markets; what pharmaceutical regulations to set up to prevent health injuries and ensure good clinical practice; what limitations to place on production and manufacture; what type of market restrictions to put in place for example, as regards advertising or the control of purity and potency level of drugs; what age limits to enforce for buyers; what restrictions to place on use because of impairment of functions; and what law enforcement measures to take.

10. But quite apart from the lack of coherence of the legalization proposal, the Board stresses that any party legalizing the non-medical use of narcotic drugs and/or psychotropic substances would be failing to implement in good faith the provisions of the treaties and would be undermining the cornerstone of the international drug control system. The Board firmly believes that permitting the recreational use of drugs would have a substantial and irreversible adverse impact on public health and social well-being.

11. However, flexibility does exist within the conventions as regards the extent to which parties are required to penalize non-medical personal consumption by drug abusers. None of the conventions requires illicit drug consumption per se to be established as a punishable offence. Only the 1988 Convention clearly requires parties to establish as criminal offences under law the possession, purchase or cultivation of controlled drugs for non-medical personal consumption, unless to do so would be contrary to the constitutional principles and basic concepts of their legal systems. Finally, none of the conventions requires a party to convict or punish drug abusers who commit such offences even when they have been established as punishable offences. The party may choose to deal with drug abusers through alternative non-penal measures involving treatment, education, after-care, rehabilitation or social reintegration.

Attempts to develop a legal international market for coca products

12. The campaign mounted by Bolivia and to a lesser extent by Peru for developing a legal international market for coca products leads the Board to recall that the 1961 Convention specifically limits all activities from production to use of coca leaf and coca leaf products. The Board also notes that slackening control over the main raw material used in cocaine manufacture - coca leaves - would not be in line with concerted international efforts to introduce controls over chemical substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances.

II. OPERATION OF THE INTERNATIONAL DRUG CONTROL SYSTEM

A. Narcotic drugs

13. Since the last report of the Board, Seychelles and Slovenia have become Parties to the Single Convention on Narcotic Drugs of 1961 and that Convention as amended by the 1972 Protocol. Burkina Faso, already a Party to the 1961 Convention, has become Party to the Convention in its amended form. This brings the total number of States parties as of 1 November 1992 to 135 for the Convention and 110 for the Convention as amended. However, 52 States are still not parties, including most of the countries of the Commonwealth of Independent States. The largest number of non-parties are located in Africa, the South Pacific and the Caribbean.

14. Several countries, including major manufacturers and exporters, have failed to submit adequate annual statistical information and estimates within the dates indicated by the Board. The number of supplementary estimates furnished by Governments in 1992 was as high as 700. Moreover, certain Governments provide insufficient and inaccurate information in support of such estimates.

15. The Board urges Governments to continue to accord high priority to their obligations under the conventions so that the success achieved so far in preventing diversions of narcotic drugs from licit sources can be maintained.

16. Proper controls to prevent diversions must be balanced with ensuring adequate availability of narcotic drugs for needy patients. In particular, the Board and Governments of exporting countries have tried in 1992 to facilitate

the expeditious delivery of minimum essential supplies of narcotic drugs to countries in exceptional circumstances of political unrest and natural disaster. Such assistance must however be provided in compliance with the provisions of drug control treaties.

17. To further ensure the availability of drugs for legitimate purposes, the Board wishes the Commission on Narcotic Drugs to consider simplifying the control system for international trade in diagnostic kits. The kits are used for drug testing purposes and are composed in such a way that no drug can be easily retrieved in a yield that would present a potential for abuse or constitute a risk to public health.

18. To maintain a lasting balance between demand and supply of opiate raw materials, the Board urges Governments concerned to restrict global production of opiate raw materials to a level corresponding to actual needs for opiates and to refrain from any proliferation of production. While noting the positive steps taken by the Governments of Australia, Iran and India towards the depletion of the excess stocks of opiate raw materials or the limitation of cultivation, the Board reiterates its appeal to all Governments to destroy stocks of seized opiate raw materials which exceed short-term domestic medical and scientific needs.

B. Psychotropic substances

19. As regards the 1971 Convention on Psychotropic Substances, the number of States parties stood at 109 as of 1 November 1992, the most recent accessions being those of Ireland, Seychelles and Slovenia.

20. The Board is concerned that Brazil, Cameroon, Gabon, Mauritania and Peru have not provided the necessary data on psychotropic substances for the past three years. Costa Rica, Malawi, Nicaragua, Senegal and Uruguay have not done so for the last two years. It is also concerned that several parties to the 1971 Convention, including major manufacturers and exporters of psychotropic substances, have only submitted their annual reports after a considerable delay. The Board reiterates its appeal to major manufacturers and exporters which are not yet parties, namely Austria, Belgium, the Netherlands and Switzerland, to adhere to the Convention without further delay.

21. The Board calls for a serious response to thwart the growing illicit traffic in pemoline. Its recommendations include, inter alia, limiting manufacture to legitimate needs for the substance, strengthening control systems over pemoline in countries in which diversion of pemoline tablets into the illicit traffic has recently occurred and undertaking a study on the social and health implications of large-scale illicit traffic and suspected abuse of pemoline.

C. Substances frequently used in the manufacture of narcotic drugs and psychotropic substances

22. As of 1 November 1992, 67 States and the European Economic Community were parties to the 1988 Convention.

23. It is of concern to the Board that, as of the same date, more than half the States parties had not provided the data for 1991 required by article 12, paragraph 12 of the Convention, on seizures of substances listed in tables I and II, on substances not included in these tables but identified as having been used in the illicit manufacture of drugs and on methods of diversion and illicit manufacture.

24. As the inclusion of 10 additional substances in tables I and II of the 1988 Convention has become effective since 23 November 1992, the Board deems it necessary that workable mechanisms and procedures to prevent diversion be put in place before considering any further addition to the tables. Governments should identify the competent administrative and enforcement authorities responsible for reporting to the Board under article 12 and inform the Board accordingly. Information on control measures currently applied or planned to be applied, especially as regards the importation and exportation of precursors, is also expected.

25. Working mechanisms, including an international network of databases to which the secretariat of the Board should serve as a gateway and guidelines to assist national authorities in preventing diversions, are being developed to establish world-wide mechanisms to prevent the diversion of precursors. The Board now expects actual implementation of all mechanisms developed. It proposes to consider technical assistance, particularly to certain Asian and African countries which lack the legislative, administrative and enforcement mechanisms to adequately prevent such diversion.

III. ANALYSIS OF THE WORLD SITUATION

26. Africa continues to be characterized by a worsening drug abuse and illicit trafficking situation. Political, economic and climatic developments make the region especially vulnerable, and unless effective steps are taken soon, illicit trafficking and drug abuse will escalate. Although the Governments of many African countries have shown great willingness to fight the drug menace, they lack the necessary resources at both national and subregional levels. There is a lack of trained personnel and reliable, comprehensive drug abuse assessments have yet to be made.

27. Cannabis continues to be the most abused drug in Africa. The abuse of opiates is limited but a small number of cases involving intravenous heroin abuse have recently been recorded. The abuse of drugs by injection is identified by the report as a new and worrying development in the region. This is in part the result of a spillover effect of increasing heroin transit from South-East and South-West Asia through Cairo, Lagos, Addis Ababa, Accra and Nairobi. While cocaine abuse has previously been sporadic, several countries have reported an increase in this regard. A growth in cocaine abuse may be expected as a result of growing availability: European and South American criminal organizations are utilizing more and more countries in Africa to smuggle cocaine into Europe. Finally, as regards Africa, the Board notes with concern the enormous dimensions of illicit traffic in the stimulant pemoline and the growing traffic in khat.

28. As far as East and South-East Asia is concerned, the Board welcomes the increase in cooperation between neighbouring countries. However, the region remains an area of serious concern and a major supplier of illicit heroin. While Bangkok continues to be a principal centre for trafficking, China is also gaining importance as a transit country. Trafficking organizations in the area are shifting their operations further north into that country and as a result China is facing growing addiction problems. Cannabis remains one of the most abused and trafficked substances in the region, the principal producer countries being the Lao People's Democratic Republic, the Philippines and Thailand. Myanmar continues to be the world's largest illicit source of opium and heroin. The Board is worried that Viet Nam may be targeted by traffickers as a source of illicit drugs, a transit country and a potential market.

29. In the region of South Asia, the heroin smuggling across the Indo-Pakistan border, destined for Europe, continues to be a worrisome fact. Bangladesh appears to be increasingly used as a transit country for illicit drugs. A further development for concern is the recent spread of intravenous abuse in north-eastern India.

30. For the Near and Middle East, enormous problems continue in the form of illicit cultivation of cannabis and poppies, illicit production of cannabis resin and opium, clandestine manufacture of morphine and heroin and illicit traffic in cannabis resin and heroin through the Islamic Republic of Iran and Turkey to Western Europe via the Balkan route. Abuse is also becoming a serious problem in the region. Heroin addiction among Afghan refugees has reached alarming proportions. Pakistan has also registered a sharp rise in the number of drug abusers. As for other types of drugs, there are indications that Lebanon is becoming a distribution centre for cocaine coming from Brazil.

31. The disintegration of the Eastern countries and the integration of the Western countries in Europe are both developments that will have significant impact on the drug control situation in those regions. There is an urgent need for the newly independent States of former Yugoslavia and the former Soviet Union to be integrated into the international drug control system. Although the drug abuse situation in the former socialist countries of Eastern Europe is not yet on a par with that of Western Europe, the transitional phase of these countries may provide traffickers with legal loopholes they can take advantage of, which could have an adverse impact on the whole of Europe.

32. As for the western part of the continent, the Board calls for strengthening control measures, especially in the trade in psychotropic substances, both within and outside the European Community, following the entering into force of the Single European Act, which envisages the free movement of persons, goods, services and capital.

33. There have been increasing efforts to strengthen the drug control system in Europe and further develop regional programmes dealing with demand reduction, training and control, such as the establishment of the European Monitoring Centre on Drugs and Drug Addiction, initiatives by the Pompidou Group and the Nordic countries and the Pro-Balkan Programme. While these efforts are welcomed by the Board, there has been an increase in cocaine abuse, as well as an upward trend in heroin abuse in several countries. The main drug of abuse for the continent continues to be cannabis. Due to the situation in former Yugoslavia,

the Balkan route, one of the main trafficking routes, has shifted north to include Hungary and former Czechoslovakia.

34. While crack use still remains sporadic, the use of LSD seems to be re-emerging, the Netherlands being its main source. The more liberal drug policies of the Netherlands arising from the legal distinction made by the Government between hard and soft drugs continues to be of concern to the Board. Based on findings from its mission, which visited the country in October 1992, the Board considers that the policy of the authorities with respect to cannabis is contrary to provisions of the 1961 Convention. The Board is of the opinion that a controversial pilot project in Switzerland involving the prescription of heroin to a limited number of drug-dependent persons under close medical supervision should not be interpreted as a step towards decriminalization or even legalization of opiate abuse but should be considered as a monitored clinical trial.

35. In turning to North America the Board notes that abuse and trafficking remain a subject of great concern in the United States of America. The overall drug abuse trend continues to be downward but abuse is declining at a slower pace than in previous years and there are currently more hard-core heroin and cocaine abusers than there were three years ago. The abuse of cannabis has been declining steadily since 1979 and heroin abuse among occasional young abusers has also declined but the abuse of heroin in general has remained at about the 1988 level. At the same time, the purity of heroin on the retail market has increased. The same has been true of cocaine, which has also dropped in price, perhaps explaining the rise in both occasional and regular cocaine abuse, reversing a significant downward trend that had begun in 1985.

36. Major law enforcement efforts in the region of South and Central America and the Caribbean have yielded significant results in reducing cultivation and trafficking. The Board also notes with satisfaction that Governments of the region have taken more effective action to curtail money-laundering and illicit traffic in precursors. The countries of the region have not only increased bilateral, subregional and regional cooperation, especially in the field of law enforcement, but are also jointly developing ways to replace the coca economy with legal economic activities. As a result, drug traffickers are finding it more and more difficult to seek alternative routes and secure operational environments.

37. The strengthening of control mechanisms has forced trafficking organizations to involve more and more countries of the region in their operations. The trafficking situation has continued to result in growing drug abuse problems. Virtually all countries in the region are being used more and more frequently to convey or store illicit drugs and are suffering from the consequences of such activity. The abuse of cocaine is increasing in the region. The situation as regards abuse among street children in Brazil appears especially alarming. Illicit poppy cultivation, which has appeared in several countries of the region, is a new problem.

38. The Board notes that Colombian law has still not made money-laundering a criminal act; Peru is the largest producer of coca leaves; Brazil is being used more and more for processing and trafficking; Suriname has emerged as a newly important transit point; and the whole region of the Caribbean continues to be

the major trans-shipment area for cannabis and cocaine destined for North America and is also an important area for money-laundering.

Notes

1/ United Nations Treaty Series, vol. 520, No. 7515, p. 151, as amended by the 1976 Protocol (United Nations Treaty Series, vol. 976, No. 14152, p. 105).

2/ United Nations Treaty Series, vol. 1019, No. 14956, p. 176.

3/ Report of the International Narcotics Control Board for 1992 (United Nations publication, Sales No. E.93.XI.1).